

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

State of Minnesota,
by Michael Campion, its
Commissioner of Public Safety,

File No. 08-CV-603 (DWF/AJB)

Plaintiff,

v.

CMI of Kentucky, Inc.,
a Kentucky corporation,

Defendant,

and

Robert J. Bergstrom, Craig A. Zenobian,
Shane M. Steffensen, and Christopher D.
Jacobsen,

Plaintiff-Intervenors.

**NOTICE OF MOTION TO DISMISS
THE COMPLAINT IN
INTERVENTION OF PLAINTIFF-
INTERVENOR CHRISTOPHER D.
JACOBSEN**

TO: Plaintiff-Intervenor Christopher D. Jacobsen and his attorneys, RAMSAY & ASSOCIATES, Charles A. Ramsay and Daniel J. Koewler, 450 Rosedale Towers, 1700 West Highway 36, Roseville, Minnesota, and GORES LAW OFFICE, John J. Gores, 7091 Highway 65 N.E., Suite 201, Fridley, Minnesota.

Please take notice that on a date and time to be determined by the Court, in Courtroom 7C, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota, before the Honorable Donovan W. Frank, District Court Judge, Defendant CMI of Kentucky, Inc. will move the Court for an order dismissing the Complaint in Intervention of Plaintiff-Intervenor Christopher D. Jacobsen for failure to state a claim upon which relief may be granted. Defendant's motion is

based upon the file, record, pleadings in the case, arguments of counsel, and the memoranda of law to be filed in the ordinary course.

Respectfully Submitted,

Dated: November 26, 2008

WINTHROP & WEINSTINE, P.A.

s/William A. McNab

David M. Aafedt, MN #27561X

William A. McNab, MN #312071

WINTHROP & WEINSTINE, P.A.

225 South Sixth Street, Ste. 3500

Minneapolis, Minnesota 55402-4629

Tel: (612) 604-6400

Fax: (612) 604-6800

daafedt@winthrop.com

wmcnab@winthrop.com

ATTORNEYS FOR DEFENDANT

CMI OF KENTUCKY, INC.

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